

Meeting Date: January 17, 2008

Agenda Item No. 22

Agenda Item: Accommodations for Disabled Hunters

Approved by: _____

Prepared by: Dale Toweill

Background:

The U.S. Fish and Wildlife Service investigated a civil rights complaint filed by Mr. Toby Bridges (North American Muzzleloader Hunting Association) against Idaho and a number of other states. The basis of the complaint was that Idaho and other states “discriminates against hunters on the basis of disability and age by restricting the use of telescopic scopes for muzzleloader hunting.” The Department responded that older hunters and hunters with visual disabilities can use telescopic sights in any weapon hunts which are available throughout the state and constitute the majority of the big game hunting opportunity in Idaho. Muzzleloader hunts are a unique hunting opportunity based in part on the low technology and lower effectiveness of the weapon, and hunters must choose to participate in the limited muzzleloader hunts. The USFWS found that “if persons with visual disabilities were denied opportunities for reasonable modifications in the special muzzleloader season, they would not only be placed at a competitive disadvantage, but would be screened out of the main muzzleloader activity, and effectively segregated in a different activity (which is prohibited under Department of the Interior regulations).” Therefore, the USFWS has requested Idaho and the other states to provide “a written description of the process for persons with disabilities to receive special permits based on the documented need for reasonable modification during muzzleloader hunting seasons.”

Idaho has a number of permits and licenses to address various disabilities. However, none of the existing permits or licenses addresses this issue. The Department has drafted a proposed rule to create a process to allow reasonable modifications for special weapon hunting seasons.

Statutory Authority and/or Policy Issues:

Rule 13.01.08.410 expressly prohibits sighting devices that magnify the target image for all Archery-only, Traditional Archery-only, and Muzzleloader-only seasons.

Public Involvement Process:

None. This issue is presented to the Commission in an effort to resolve a compliance issue identified by the U.S. Fish and Wildlife Service relative to a Disability and Age Discrimination Complaint by Mr. Tony Bridges of the North American Muzzleloader Hunting Association.

Justification:

To comply with Federal Regulations and a request by the USFWS.

Staff Recommendations:

Review draft proposal IDAPA 13.01.04.305 and provide direction relative to scoping this issue for action at the March Commission meeting.